

REMARKS

In the Office Action¹, the Examiner rejected claims 1, 2, 4-9, and 26 under 35 U.S.C. § 103(A) as being unpatentable over U.S. Patent No. 6,405,203 to Collart et al. ("*Collart*") in view of U.S. Patent No. 5,805,699 to Akiyama et al. ("*Akiyama*").

Applicants amend claims 1, 7-9, and 26, and add claims 32-35. Claims 1, 2, 4-9, 26, and 32-35 are now pending.

Applicants filed a Revocation of Original Power of Attorney and Grant of New Power of Attorney on December 28, 2005. Applicants request that the Application Data for this Application be updated based on the New Power of Attorney.

Applicant respectfully traverses the rejection of claims 1, 2, 4-9, and 26 under 35 U.S.C. § 103(a) as being unpatentable over *Collart* in view of *Akiyama*. A *prima facie* case of obviousness has not been established.

Claim 1, as amended, recites a service offering system including, for example,

recording means for recording a unique identifier to each of a plurality of storage media . . . [.]

wherein the recording means records to each of the storage media right information which denotes services available to each of the storage media identified by the identifiers together with the identifiers, and

wherein the right information comprises a download authorization bit and an upload authorization bit.

Combination of *Collart* and *Akiyama* fail to disclose or suggest at least the claimed recording means.

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

The Office Action seems to concede that *Collart* fails to disclose, or even suggest, "record[ing] to the storage media right information which denotes services available to the storage media" (Office Action at page 3). Although the Office Action relies on *Akiyama*, *Akiyama* fails to cure the deficiencies of *Collart* for at least the following reasons.

Akiyama discloses:

[A] software duplication process performed by the software copying system. To copy a program in a CD-ROM (master storage medium) to an MO disc (target storage medium) . . . :

[S1] The storage medium identifier IDk recorded in the MO disc and the software identifier SIdi of the subject software program are sent to the central site . . . [;]

[S2] . . . a certificate code CS is generated from the storage medium identifier IDk and software identifier SIdi . . . [;]

[S3] The certificate code CS arrived at the end user's site is written into a predetermined storage region in the MO disc . . . [;]

[S4] For a verification purpose, another certificate code CS' is generated locally at the end user's site . . . [;]

[S5] The locally generated certificate code CS' is compared with the other certificate code CS stored in the MO disc[;]

[S6] . . . If the two certificate codes are found identical[;] and

[S7] An encrypted software data file having the software identifier SIdi is copied from the CD-ROM to the prepared MO disc

(Col. 4, line 47- col. 5, line 14) (bracketed S1, S2, S3, S4, S5, S6, and S7 in original).

As illustrated in Figure 3(A) of *Akiyama*, "CD-ROM 11 is shown . . . where a plurality of copyrighted software programs . . . are recorded. The copyrighted software programs . . . have their respective software identifiers" (col. 5, lines 17-21). Figure 3(B)

of *Akiyama* illustrates "MO disc 12, where a storage medium identifier IDk 30 . . . is recorded" (col. 5, lines 30-31).

The Office Action alleges that "*Akiyama* discloses storing software identifiers (i.e., rights information) associated with the storage medium identifier on the medium" (Office Action at page 3). This is not correct.

Akiyama discloses storing software identifiers on a CD-ROM, and storing a storage medium identifier on a separate MO Disk. Even assuming the MO Disk in *Akiyama* corresponds to the claimed "storage media," which Applicants do not concede, storing on the CD-ROM software identifiers representing software programs on the CD-ROM that can be copied to the MO Disk with a storage medium identifier in *Akiyama* does not teach or suggest "record[ing] to each of the storage media right information which denotes services available to each of the storage media identified by the identifiers together with the identifiers," as recited in claim 1 (emphasis added). This is at least because *Akiyama* does not teach or suggest either "record[ing] to each of the storage media right information . . . with the identifiers" or "record[ing] to each of the storage media right information which denotes services available to each of the storage media" with the recorded storage media right information, as recited in claim 1 (emphasis added).

Akiyama also discloses, a "certificate code CS arrived at the end user's site is written into a predetermined storage region in the MO disc." Since certificate code CS is written into the MO disc as part of the software duplication process, certificate code CS in *Akiyama* does not teach or suggest, "right information which denotes services available to each of the storage media," as recited in claim 1

Accordingly, *Collart* and *Akiyama* fail to render the subject matter recited in claim 1 obvious. Independent claims 7, 8, and 26, though of different scope than claim 1, are allowable over *Collart* and *Akiyama* for at least the same reasons as claim 1. Claims 2, 4-6, and 9 depend from one of independent claims 1 and 8, and are thus also allowable over *Collart* and *Akiyama* for at least similar reasons as the independent claims.

New claims 32-35 depend from independent claim 1, and are thus allowable over *Collart* and *Akiyama* for at least the same reasons as the independent claim.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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